

COMPARED VERSION
COMMITTEE SUBSTITUTE TO ORIGINAL ORDINANCE

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 160565

Calling for submission to the voters of Kansas City, at a special election to be held on November 8, 2016, a question to remove certain City property devoted to park use from the park system; directing the City Clerk to notify the responsible election authorities of the election no later than August 30, 2016; and recognizing this ordinance ~~to be an emergency measure~~ with an accelerated effective date.

WHEREAS, Ordinance No. 13067, approved October 3, 1899, placed the east right of way line for Paseo Boulevard between the south line of E. 23rd Street, and north line of E. 24th Street, at the east line of the alley in Block 1, of C.H. Pratt's Vine Street Addition; such Ordinance opened and established a public parkway in the South Park District which then included this area then known as Paseo Boulevard, and which has become known as a part of Bruce R. Watkins Drive (U.S. 71); and

WHEREAS, the City acquired certain property from the State of Missouri, acting by and through the Missouri Highways and Transportation Commission by Quitclaim Deed dated September 18, 1997, and recorded March 5, 1998, as Document No. K10436, at Book K3152, Page 1829 ("State Conveyance"); and

WHEREAS, the State Conveyance was to the City for park and boulevard purposes, specifically for use in constructing the Bruce R. Watkins Drive (U.S. 71) roadway; and

WHEREAS, the State Conveyance included multiple tracts, three tracts of which the City subsequently conveyed to the Bethel African Methodist Episcopal Church-Kansas City, a Missouri non-profit corporation ("Church") by Quitclaim Deed dated July 19, 2012, recorded August 3, 2012, as Instrument No. 2012E0083572 ("Church Conveyance"); and

WHEREAS, the Church Conveyance was subject to restrictions of record and made reference to the State Conveyance, and consequently, the owners of the property cannot obtain a title eligible for title insurance with a conveyance to the City of such property; and

WHEREAS, Section 1004(b) of the City's Charter requires a vote of the people before property is removed from the park system, and the Church has advised the City that it desires to now sell the property and the proposed future use serves the interest of the residents in the neighborhood in which the property is located; and

WHEREAS, City Charter section 1004(b) reads:

If any property is determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park,

parkway, or boulevard use, such property may be removed from the park system by a vote of the people;

and;

WHEREAS, the Board of Parks and Recreation Commissioners has approved and recommended that this property now be removed from the park system; and

WHEREAS, it is necessary to officially remove the property from the park system to accomplish the intent of the 2012 sale and to enable the new use of the property; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. ELECTION CALLED. That an election is called on November 8, 2016, for the purpose of submitting to the voters of Kansas City the question of removing property from the park system.

Section 2. BALLOT TITLE. The ballot title shall be:

Should the City of Kansas City remove from the park system vacant property of about 1.2 acres located generally ~~at~~between E. 23rd Street and E. 24th Street ~~and west of~~ Flora Avenue, which has been determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use?

Section 3. NOTICE OF ELECTION. The notice of election shall read as follows:

NOTICE OF ELECTION
KANSAS CITY, MISSOURI

Notice is hereby given that the City of Kansas City has called a special election to be held on Tuesday, November 8, 2016, between the hours of 6:00 a.m. and 7:00 p.m., at which election all qualified voters residing within Kansas City, Missouri will be given the opportunity to vote.

The official ballot will be in substantially the following form:

OFFICIAL BALLOT
CITY OF KANSAS CITY
SPECIAL ELECTION, NOVEMBER 8, 2016

QUESTION NO. [],
(Park Property)

Should the City of Kansas City remove from the park system vacant property of about 1.2 acres located generally ~~at 24th~~ between E. 23rd

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Street and E. 24th Street west of Flora Avenue, which has been determined by the Board of Parks and Recreation Commissioners to be no longer necessary or appropriate for park, parkway, or boulevard use?

YES

NO

(Instructions to voters will be supplied by the election authorities.)

A full and complete copy of this ordinance (as it may be amended) submitting the above question to the electorate is on file in the office of the City Clerk of Kansas City, Missouri where the same is open for inspection and copying.

The polling places for the election will be (INSERT LIST OF POLLING PLACES IN LAST PUBLICATION ONLY)

I hereby certify that the foregoing is the legal notice to be published pursuant to Section 115.127, RSMo, as amended.

Given under my hand and the official seal of the Kansas City, Missouri, this ____ day of August, 2016.

(SEAL)

MARILYN SANDERS
City Clerk of Kansas City, Missouri

Before me, a notary public, personally appeared Marilyn Sanders, to me known to be the City Clerk of Kansas City, Missouri, and the person who acknowledged to me that she executed the same for the purposes therein stated.

Notary Public

My Commission Expires: _____

Section 4. NOTICE TO ELECTION AUTHORITIES BY CITY CLERK.

That following passage of this ordinance the City Clerk shall deliver certified copies of this ordinance and notice of election to the Clerk of Cass County, Board of Election Commissioners of Clay County, Board of Election Commissioners of Kansas City, and Board of Election Commissioners of Platte County, no later than August 30, 2016, which shall be the authority of each election authority of the City to submit the amendment to the electors of Kansas City and to give public notice as provided by law.

Section 5. PROPERTY REMOVED. Upon approval of the voters the following property shall be officially removed from the park system, reflecting the intent of the 2012 conveyance:

Tract I: All of Lots 17 through 22, Block 1, C.H. Pratt's Vine Street Addition, a subdivision in Kansas City, Jackson County, Missouri

~~Any right, title or interest in the east one half of the alley adjacent to and west of the above described property.~~

Tract II: All of Lots 24, 25, 26, 27, 29 and 30, Block 1, C.H. Pratt's Vine Street Addition, a subdivision in Kansas City, Jackson County, Missouri

~~Any right, title or interest in the east one half of the alley adjacent to and west of the above described property.~~

Tract III: All of Lots 31 and 32, Except the East 66 feet thereof, Block 1, C.H. Pratt's Vine Street Addition, a subdivision in Kansas City, Jackson County, Missouri

~~Any right, title or interest in the east one half of the alley adjacent to and west of the above described property.~~

Section 6. ACCELERATED EFFECTIVE DATE RECOGNIZED. This ordinance, providing for the submission of Charter amendments a question to the people of Kansas City, Missouri, is hereby recognized to have an accelerated effective date within the meaning of Section 503(a)(3)(A) of the Charter, and as such shall take effect in accordance with Section 503.

Approved as to form and legality:

William Geary
City Attorney